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**the ROYAL COMMISSION on the  
NORTHERN ENVIRONMENT**

SUMMARY OF DISCUSSIONS AND

RECOMMENDATIONS TO THE

WINISK BAND COUNCIL

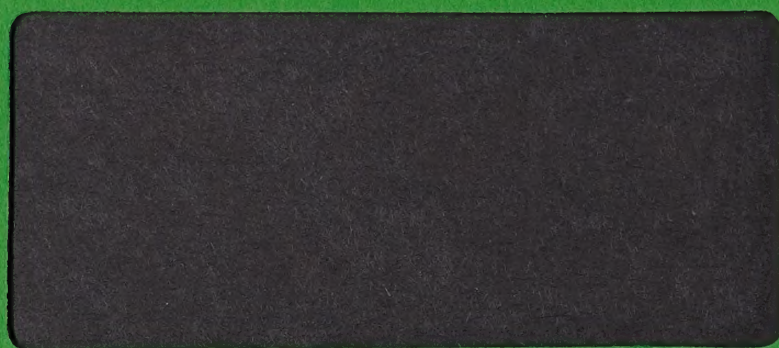
BY

WINISK BAND COUNCIL ADVISORY BOARD

**Funding Program  
Report**

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ROYAL COMMISSION ON THE NORTHERN ENVIRONMENT

J.E.J. FAHLGREN, COMMISSIONER

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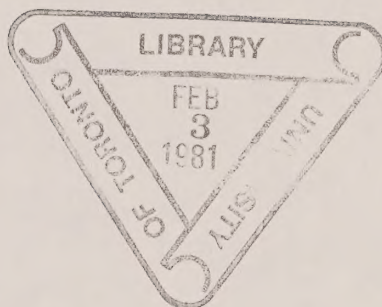
WINISK BAND COUNCIL ADVISORY BOARD

by

Louis Bird  
Winisk Band Council Advisory  
Board

April 1979

THIS PUBLICATION HAS BEEN PREPARED WITH THE FINANCIAL ASSISTANCE OF THE ROYAL COMMISSION ON THE NORTHERN ENVIRONMENT'S FUNDING PROGRAM. HOWEVER, NO OPINIONS, POSITIONS OR RECOMMENDATIONS EXPRESSED HEREIN SHOULD BE ATTRIBUTED TO THE COMMISSION; THEY ARE THOSE SOLELY OF THE AUTHOR(S).





## WORKSHOP #1

February 4, 1979  
Winisk Ontario

### Projects - Aims

Introduction by Louis Bird to the members of the Winisk Band Council Advisory Board:

- This will be the first time this group of former members of the Winisk Band Council officially exercises their duty as an Advisory Committee, which was set up back in 1976. Each of you former Council members has fulfilled your duties in special ways, as you saw fit under various circumstances.
- During your term in office as Chief of our community, some of you remained in office as long as 16 to 20 years, some of you two years, as the case may be.
- Most of you have made achievements that benefitted the community today; most of you were (and still are) very independent, and self-supporting men. All of the past Chiefs have mastered their own cultural education. Most of you also have and still practice your life style, at the same time teaching your children to some degree about your life skills...
- Although you have resigned to enjoy your private lives, there were times you were called upon to provide some advice to the new Council members, on special difficult tasks in order that important decisions can be made...
- Once again, your advice and wisdom is called on, to assist today's council and the band as a whole, because of a difficult and confusing situation which confronts our community.

## Confusing Situation

(Discussion between the Group)

- There exists today these confusing situations that confront our native Indians living in this area (called by the whiteman, Northern Ontario, north of 50).
  - 1) development in forestry
  - 2) development of strip mining
  - 3) development of water diversion - Hydro electricity
  - 4) development of gas pipe line
- With these developments, the Ontario Government has set up a Commission, called the Royal Commission on Northern Environment, the one which was headed by Justice Hartt. Prior to that, there was another Commission, in 1976, especially for damming the rivers that flow to Hudson's Bay and James Bay for Hydro Electric Power.
- We met the members of this Commission and talked with them right here in our community. Then in 1977 again, we heard that this Commission of Justice Hartt was supposed to visit communities up north, "north of 50"; but we never did see the Commissioner...
- ...Some of our band members were actually keyed-up to this great expectation of the Commission, but it did not materialize...
- Now again in 1978 we heard that the new Commissioner is to visit us. But still no sign.



- With this problem, this lack of communication with the outside world, especially about the sequence of events which leads to public awareness, this seems to reach us only after the events have occurred. Therefore, we cannot participate. This is a known fact for our isolated communities like Winisk, and there are others.
- This is the reason for this project. At least two of you have talked about this matter, amongst yourselves.
- Therefore during the first part of December 1978, I submitted my proposal to R.C.N.E. for funding. I requested funding for this project and it was approved. Now, we have to do what we used to talk about.
- Unfortunately, I did not dare ask for too much funds because I wasn't sure my project would even be considered. As a result, our members will have to do this voluntarily, without per diem.

(Here the detailed budget was explained to the members by Louis Bird)

(Then the groups were explained about what is expected of them. Workshops are to be held supposedly 14 times before the end of March 1979, and out of these gatherings the groups are expected to come up with recommendations for the Winisk Band Council, which hopefully in turn will be presented to the R.C.N.E. at formal hearings in the near future.)

(Unfortunately, the workshops could not be held regularly as the members had to attend to their livelihood or what not, etc.... It was agreed then to try and meet as many times as time permitted for the groups to attend.)

(Here are the names of the former members of the Council, to be called the Winisk Band Council Advisory Board, for formality.)

Mr. John Micheal Hunter  
Mr. Micheal Patrick (absent)  
Mr. Micheal Hunter Jr.  
Mr. Louis Bird  
Mr. Alex Hunter (absent)  
Mr. Alex Bird (absent)  
Mrs. Mary Bird (Councillor) (absent)

(Only three of those attended regularly, as Mr. Alex Hunter was ill and hospitalized. He did attend the first meeting, then he had to leave.)

(The groups were introduced to the subjects to be discussed and materials to be studied during the workshop for a better understanding of the whole purpose of the project.)

Project - Main Studies to be as Follows:

- 1) To study the Government's administration and planning of the north;
- 2) Legislation and procedures;
- 3) Regional Development;
- 4) Case studies of the major developments which have had a major impact on the environment.

(Besides these topics, the groups also discussed the following topics to form their opinions:)

- 1) Ontario Regional Liaison Council
- 2) Indian Commission
- 3) Indian Act
- 4) BNA Act
- 5) treaties
- 6) native organizations
- 7) local, national and world economy



(These additional subjects would come up during the course of this project.)

In the workshops they were informed of the purpose of the present R.C.N.E. and the one headed by Justice Hartt. This was done by reading the background papers of the R.C.N.E. and the terms of reference of the present commission.

Many questions needed to be answered for this group as they had heard so many different stories about public figures or outspoken native leaders of their organization, or government politics and other terrifying rumours about great developments.

Such rumours were...monstrous water diversion schemes that would flood the whole area of Hudson's and James Bay lowlands, to refresh the waters of the Great Lakes and to sell water to the United States...The Reed's Greed Monster Machine that needed something like 19,000 square miles of forest to feed it or satisfy it...stripping the area in its path on Indian traplines...and to discharge a roll of paper to be sold to the general public for economic boost of the province of Ontario...which would keep Premier Davis in office...

Water diversion schemes, another of the sad stories about the five major rivers flowing into Hudson and James Bay, to change their course of their natural flow...some natives of the area, especially the elders, visualized the rivers running dry, few fish flapping their tails on the remaining potholes on the dry riverbeds...while at the same time, the Ministry of Natural Resources reported that the mercury contamination of fish on some lakes...



Onakawana strip mining for lignite of some kind near Moosonee area...Here again the natives who never saw strip mining visualize the horror of the whiteman's destruction of the Creator's natural creations that have been so dear in their lives.

Gas pipeline: some of us Crees have heard the results of oil spilage of the ocean going ships which carry the crude oil...we also have heard the fires and dangers of the combustibile nature of this material. Naturally the people related this fear to the already present danger of forest fires...therefore the natives can only see that the whole area of the north will be disturbed by these proposed project developments which are supposed to boost the economy. At least this is the term used to sell the idea to our governments.

These are only a few questions that the people (Indians) of the area had wanted answered and elaborated on for their comprehension.

We (the band) too have seen how some projects and developments can alternate the natural state of things in wilderness, such as we've had here in Winisk.

Back in 1954, when the Mid Canada line was built for national defence purposes. When the Air Force base was closed the men left and left everything behind like buildings. These steel lock buildings are of no use to us. They are still there, and it is bad for geese. They distract them and also there is a problem with drainage of muskeg near the site. Since then the marsh land has dried up and the feeding grounds for the geese is no longer suitable. Therefore, the



birds had to move to other areas, leaving the area less suitable for hunting for local people.

Another thing, because of the airstrip nearby the geese are constantly disturbed by low flying aircraft coming in or taking off.

#### Local Economy

Although the airstrip meant a boost for the local economy like the establishment of a goose hunting camp to attract the goose hunters from the south. But at the same time it deprives the local people of the hunt for themselves in order to stock up for their winter food supply of geese, etc.

One would wonder why an Indian sees things so pessimistically when they hear of such proposals; but it is justifiable to them, because they do not usually benefit from these undertakings such as mentioned here. Still they maintain their integrity in spite of all this.

Getting back to the workshop, the committee had to go through these topics while studying the government plans.

O.R.L.C.: This topic was discussed as it made the groups wonder what this new emerging organization was supposed to do, in the already confusing bodies which are supposed to serve the native people. None of the members of the board knew much about this organization, not even the organizer (L. Bird). We did understand what the word liaison meant, but to fit it into play! We cannot quite see where it would benefit for better service delivery.



Therefore, this topic was left out for the time being.

The groups then turned back to the main subject, that is to study the government's administration of the north.

The main questions remained:

Why would the government ask the native's opinions regarding major development, if it will only go to majority of people (ontarians) while ignoring minority groups such as natives as it always does.

This committee knew already why the deceitfulness.

- 1) Governments know that the natives living in the areas of the proposed developments are not yet well organized enough to put together a good documented objection that would be acceptable to the majority of Ontarians or to Ontario Government.
- 2) The natives of the Treaty Nine area have already surrendered their land title, according to the whiteman's terms of the said Treaty #9. Therefore they do not have a solid platform on which to base their objections.
- 3) Because to base our objections to the major developments on the grounds that we want to save the native culture would not be enough to obstruct the province's industry or the province's economy.

Sad as it may sound, it is true. Therefore, what steps can the Indian take.



All these subjects were discussed in this committee. We are trying to see view points from both sides. That of the natives and the major society and its needs. Finally its government (Native included).

We the committee know that the Government's Commission is not asking the natives if it is all right to let developments of the north "go ahead". Rather they are asking, what is the best way to develop the northern resources which belong to the Ontario Government.

With all this in mind the workshop was closed for the day.

This topic is to be carried to the next meeting.

These are not minutes of the workshop. Simply a summary of topics discussed during the meeting.







## THE LIST OF TOPICS

1. The study of government planning and administration of the northern Ontario;
2. Legislation and procedures;
3. Regional Developments;
4. Case studies of the major developments which have had a major impact on the environment;

## Additional

1. O.R.L.C.
2. Indian Commission
3. BNA Act
4. Indian Act
5. treaties
6. Native organizations
7. Local, national and world economy
8. U.N.





## WORKSHOP #2

February 14, 1979  
7:30 p.m.

During the first workshop, there were many topics to discuss in order to organize the groups and to set them up with what to study and read on their own time at home. At that time there wasn't much to go by, as there wasn't much material to study. Therefore, at this time we have some informative material to study, that is:

### Government's Administration of Northern Ontario:

Ontario Ministry of Natural Resources strategic land use planning process, which is background information and approaches to policy for North-eastern Ontario.

It is in summary form of everything in the area.

I can only mention the contents in the book.

Three chapters for, 1) resources, 2) problems and issues and 3) approach to policy.

There are also maps for administrative districts, soil depths, population centres, mineral potentials, fish productivity, forest productions, and public recreation areas.

There is clear evidence that M.N.R. is encouraging the expansion of the opportunities for mineral resources utilization and exploration of Northern Ontario. This is clearly stated in the policy statement.



Getting back to the studies of Governments' Administration of the north, we (WBCAB) found it here in this book.

If the Indian people could do their own version, of their value of the land, that would be useful to base an argument.

At this workshop, we mostly read and helped each other understand the whole situation of today. We also studied the submission to the R.C.N.E., at the same time studying the Royal Commission's terms of reference and their work program.

We are not experts in politics, because 25 years ago we were hunters, trappers and lived in practical enjoyment of old traditions. Thus we do not consider ourselves experts in this field of work.

Therefore, we cannot help but perceive the future scene in the area. We love to walk along this place in peace and tranquility of this land of ours. It is hard to think that someday, perhaps even in our own time, we will be trespassing on our own land, once industries move in.

With this in mind, we still want to hang on to the land. We still want to call it our own, even though it is not ours anymore, according to the treaties which have been signed by our fore fathers.

If we could only turn back those 49 years. At least for this area. We for sure would not sign any papers till we knew that we would retain our land title until at least the monstrosity of an industry reached to the door steps of our teepee.

What can be done?

That is the question in our minds.

After reading fragments of submissions related to R.C.N.E. in 1978, we can see most of the statements made there by Indian chiefs and elders. We read the griefs experienced by natives of the areas, results of developments. Not too often did we find any beneficial effect of the past experiences by the natives, even at present.

The question is, will there be a change? If so, what guarantees are there? There is a statement somewhere in the Commission's reference, like a trade-off! We interpreted this to mean, what can be sacrificed for the developments?

Trade-off is an easy word to utter, but in practicality would be next to impossible. What would be satisfactory for the natives of an isolated community like Winisk.

During our studies our group has come to understand many issues in the past and present and now wish to come up with alternatives for the past expectations which were never realized up to now. With this in mind we would come up with recommendations that would maybe benefit the band from now on, which will be handed to our Chief and Council to consider for adoption, etc.

We are very much aware that the federal government is gradually easing out of its responsibility to Indians ever since the White Paper of 1969. By transferring its services for Indians to that of the Provincial Government.





WORKSHOP #3

February 21, 1979  
Winisk Ontario  
7:30 p.m.

Since this project got started and two workshops were held, there has been no formality practiced. Since there are only three of us working together, and we know each other very well, there is no need for formalities.

However, we do use some sort of formal pattern (such as calling these meetings, workshops) due to the fact that government funds are involved.

Therefore, we appointed a chairman, who was Mr. Micheal Hunter Jr.

The first thing on the agenda was to review the financial situation. Mr. Louis Bird explained to the members how this project is funded by R.C.N.E. and how it is formed.

It was then agreed that Mr. Louis Bird be solely responsible for the financial matters of this organization to act in the capacity of treasurer.

There were then questions regarding the name of the organization. Should we be called "committee", or "board". The members required definition of the two words. The two words were explained and it was agreed to keep the name, the WBCAB.

Once this business was over, the group once again resumed their studying of documents, and information, pausing occasionally to discuss specific subjects.

The topic that repeatedly arose, was the Indian Commission - why was it set up, what will it serve?

The usual procedure for these workshops was that each member study a different subject and point out the main content, purpose, and whatever may be of some interest to the rest of the group.

The reason for this is that, we are always short of time and therefore had to work out a way to use as little time as possible, studying the areas of concern.

At this workshop, one member studied the Indian Commission, another studied the treaties of Ontario, and the third person studied the BNA Act and the Indian Act. After a while, we discussed one topic and the person studying the topic would answer any questions the other members may have regarding that particular subject.



Note: Each member of the group had been a chief for some years; therefore, everybody was familiar with each topic because of their past experience. Thus, no time was wasted due to disagreements, and there was no audience to impress, as is the case in a large group.

Although the organizer had explained to the members their role in the first workshop, there was a need to re-examine the R.C.N.E., its aims and work program, until each member fully understood the meaning of the project.

The study procedures were then outlined.

That the WBCAB would study energy background information related to the area, to come up with recommendations to the band council of Winisk. These could then be presented to R.C.N.E. formal hearings to be held during 1980-1981, if the Commission is still in existence at that time.

Therefore, the materials consisting of the following topics were necessary.

1. The History of the Colonial Governments - its dealings with the Natives they found here in North America.
  - a) to study their colonial laws and how they were introduced to the Natives of North America.
  - b) How did the Indian abide by them? The procedures used to execute these laws - to study the procedures outlined.
2. History of French people and their dealings with Indians of North America. Their treatment of Indians in respect to their culture.
  - a) how and why did they introduce their religion, what the purpose was, and what effect they had on Indians.
  - b) The european culture education, what it has done to the Indian in the past and in the present.
3. The history of wars between the English and French over Europe and their battles over North America.
  - a) How did the two nations use the Natives for their battles against each other.
  - b) Why did the Indians help them?
  - c) How did the French respect the native culture?
  - d) How did the English treat the Indian, after they had won and the battles had stopped.
  - e) Was there an agreement between them regarding the Natives of the area?

4. The Confederation to establish the Dominion of Canada.
5. The establishment of the BNA Act.
  - a) the constitution...
  - b) Sections for Indians of Canada
6. The treaties across Canada, between the government and the Indians and the Indians' aboriginal rights
7. The treaties in Ontario
  - a) the treaty rights
8. The Migrating Birds Convention Act
  - a) the curtailment of aboriginal rights
9. Treaty #9
  - a) the treaty rights ... if there are any left
  - b) the Commission's written documentation of the terms and conditions of the agreement
10. Ontario Government's Plan for Northern Ontario, in the Treaty #9 area
  - a) why the RCNE, what purpose...
  - b) the provisions of the Public Enquiries Act, 1971
  - c) the Environmental Assessment Act, 1975
  - d) RCNE, 1977 - the results
  - e) RCNE, 1979 - expectations

This is the list of topics to be studied by the committee.

Why so much?

The simple answer, by this group, to this question would be, is it worth it for the Indians to participate in this RCNE, in the hopes that their wishes will be considered.

What does it mean?

We (WBCAB) know that the Ontario Government's main concern is that:

1. Every effort should be made to boost the province's economy.



2. the government in power in the province, or any government, exists on, supposedly, the majority of society in the province.

- a) definition - the Ontario government is supposed to serve all Ontario citizens the same, regardless of their nationality. Therefore, it usually operates on a 'majority' basis.
- b) furthermore, it does not necessarily take into consideration the Indian's special rights.
- c) the economy is more important than the Indian culture. Therefore, industry should not be obstructed for the sake of saving Indian culture.

With this in mind, we (WBCAB) are studying these topics, to see if there is a way to alter the fast approaching industries by getting ready for its impact on Indian people, if we cannot stop it altogether for the time being.

The time being may be from two to ten years. The reason for this is that, if the area is to be developed by all four proposed project developments in Northern Ontario, the impact on the land would be too sudden for it to absorb the shock from its natural stage.

This would also be true for the Indian people who live in the area. There must be some preparation for the transition from one lifestyle to the other. But we the Natives know that we are not ready.

That is why we discussed this period of preparation. The reason for stating 10 years could be based on the present percentage of native people who could provide their livelihood from the land and from their culture.

One of our members, Mr. Micheal Hunter Jr., put it this way:

- 1. That there should be research done to assess the present percentage of income derived by the number of Indians by trapping. The percentage of food value derived from hunting big game animals by the Natives that are still practicing the traditional lifestyle.
- 2. The total number and percentage of Indians still trapping and hunting presently in the Treaty #9 area, in the age group of 40 to 65.
- 3. The percentage of the young men and women who did not successfully achieve the whiteman's standard of education to fit into wage earning society, but who are still dependent upon their parents for their livelihood.

This is why we stated that the preparation period should be from two to ten years at least, before a satisfactory transition could take place.

This statement will be adapted for recommendation by this group.

Note: Mr. John Micheal Hunter has been a Winisk Chief for sixteen years and was a councillor for four years, therefore he has spent a total of twenty years in Band Council office.

He went on to say that the research should also gather other information to be put on the map, of the following:

1. The burial grounds of the past;
2. historic sites of native resorts, places, i.e. summer resorts, etc.;
3. the spiritual grounds of the past, with explanations of their types and purposes;
4. the hunting areas for different seasons of the year, for caribou hunting;
5. historic sites for dramatic events;
6. Indian battle grounds, explaining the reasons for the events.

These maps would show the value of the land for the Native people. Why the native people relate spiritual things to the land.

At this time the workshop was closed. It was agreed that the topic should be added next time.





WORKSHOP #4

March 5, 1979  
Winisk, Ontario

Note: This paper has been produced by the Winisk Band Council Advisory Board, for recommendations for R.C.N.E. participation in Public Hearings. This project was funded by the R.C.N.E.

This paper is written for the people who do not, or are unable to read Cree written language, although this editorial was meant for the Winisk Band Council, as per the aims of this project.

There is a paper in the Cree language, with a slightly different wording for those who do not read English. The meaning is the same but the words and sentencing are different.

In Cree, there is a more detailed explanation of historical sequences of events which lead to the present situation, in order to help the native reader to better understand the R.C.N.E.'s establishment.

Finally, this paper is not meant to be minutes of the discussions, but rather a summary of the discussions.

Louis Bird  
Organizer of Project.

Our fourth workshop resumed in the same way as usual, with members discussing what we had read at home.

It will be noted here that at our last workshop, we had listed the necessary materials we thought we should read. There were ten topics which we had felt needed reviewing.

At the time of this workshop, we have received more information by Treaty #9 staff, who know of our project.

In the last three workshops, we have constantly referred back to the sequence of events which lead to our present concern. The reason for this is that, by studying this information carefully, we hope to better understand our present situation, which we wish to tackle.

What we are striving for is to retain our aboriginal rights and we hope that the treaties of Treaty #9 will be re-negotiated first before we can confidently participate in decision-making with both levels of government in better management and utilization of the natural resources of Northern Ontario.



We know that the Ontario Government does not like to mention the treaty rights of Indians when they have to deal with all provincial citizens equally.

We had an opportunity to obtain a document where it explains how the federal government shares responsibility for Indians with the provincial government, on at least two services.

1. Education for Indians
2. Welfare Assistance

These two services for Indians were supposed to be provided by the federal department of Indian Affairs, but the arrangement was made that the Department of Indian Affairs would purchase the educational package from Ontario for Indian education services.

The same applies for Welfare Services.

#### BNA Act

In our previous workshops, we constantly referred to the BNA Act.

In the publication which we read regarding the BNA Act, it explains the possibility of the Ontario Government stopping its services it now provides to Indians, such as mentioned in this paper, whenever they so wish. This is because they have no legal obligation to provide these services.

We have also read other respective publications regarding the federal government's suggestion to bring the constitution to Canada, rather than getting British involvement. We therefore agree with the National Indian Brotherhood that we do not want this to happen, at least not too soon.

We the members of the Winisk Band Council Advisory Board have considered all these topics. During our discussion periods, we like to place ourselves on both sides of the situation. We know from past experience that if we do not try to thoroughly understand the opponent's system of dealings there would be no headway in our favour.

We have had some experience with representatives of the Ontario Government in the past on these issues.

1. Polar Bear Provincial Park of Cape Henrietta Maria, up near Fort Severn, Ontario. We had tried to bring up the treaty terms and conditions to these representatives, but they did not wish to bind this up with these issues.

2. We have approached the Ontario Government regarding negotiating for reserve status for our community on a specific request about the reserve transfer of surface section of the original reserve #90, but to retain the mineral rights under ground.

We were told by the Ontario Government junior civil servants that there was no such policy.

Here is the point. Is it worth our efforts to voice our desires and wishes regarding the developments in the north?

Therefore, as we go into deeper study of the issues, we come to the RCNE's issues report of 1978, chapter 6, appendix F, pages 262 to 263. Apparently the Commission had obtained a copy of the terms and conditions of the adhesions to the treaty #9 back in 1929-1930.

If this is a true copy, why do the Indians of the area still say our land? Do they talk about the land before the treaties were signed? According to this copy, the way it was worded, and it was signed, the Indians did give up their land, surrendered their land forever. The words used in this document were, ceded, released, surrendered, and yield forever.

#### The guideline for the recommendations

The question is, did the elders or chiefs understand the meanings of these words?

Was there a good communication and thorough understanding on the part of the Indians, chiefs and elders, regarding the terms and conditions?

Did the Indians understand that there were two levels of government involved during the treaty making?

Did the Indians understand what the difference was between the Canadian Government and the British Government?

Did they know about the country of Canada and its different provinces? Of its governments?

If the Indians did not understand these things, then the treaties were not fair.

As the group discussed things of this nature, a suggestion was brought forward that there should be research done on this, to:

1. Ask every living Indian person who was present at the signing of the treaty, about these questions. Especially to the adhesion area of Treaty #9, if this has not already been done.
2. Then, to try and gather the copies of the treaty documents which were supposed to have been handed to the Chiefs of the communities in the Treaty #9 area.
3. To interview each individual who cares to answer or comments on what he/she thinks of the said treaty, by using these five questions.
4. After this data has been gathered, it could be worked out to the percentage in favor of a need for re-negotiation of Treaty #9.
5. With this being documented, there should also be a map of Treaty #9 to show the specific value of the land in question. Meaning, why the Indians relate spiritual value of the land.

These are the things that were discussed at this workshop.



March 8, 1979  
Winisk, Ontario

The group started out by going over what had been covered during the last workshop, noting that the last part of the discussion was a suggestion that further research be done to deal with the Treaty #9 with the idea of possible approaches to re-negotiating treaties of the Treaty #9 area over again.

After studying the Ontario Government's planning process and its proposed administration of the North, it was suggested that the research in mind contain a map chart or a graphed map to show the Indian version of the land values, to show the following content.

To further suggested itemized issues of the third workshop.

These would be the following:

1. The seasonal migration of animals (caribou, moose, polar bears, all kinds of fox, wolves, and small game including fur bearing animals such as otters, beavers, muskrats, minks, etc.)
2. The molting areas of all kinds of birds, migrating birds such as Canada goose, snows, blues, ducks, snipes, partridges (like sharptail), grouses, ptarmigans, etc.
3. Their nesting areas and eagles nesting areas, cranes, etc.
4. The spawning grounds of brook trout, and their seasonal gatherings.

Then, additional areas that are of spiritual value to the Indians of the Treaty #9 area, in the past and present.

Also, this map should show why the Indians had to keep on moving each season, and what season they spent in a particular area.

1. The places where they set up fish traps, which rivers and lakes.
2. The areas they used to hunt caribou, by groups, explaining their method of hunting.
3. The places where they held their annual competitions in games and sports.

4. Winter camps and the rest of their seasonal migration.
5. Places where they went for spiritual meditation.
6. Places where the tragic events took place, which attracted them to keep returning for monumental purposes.
7. Places where cannibalism took place, due to poor seasons in some years.

These are partial spiritual values for Indians, which make them love their land so dearly up to this day. But unfortunately the whiteman does not value this when it comes to money. Because their culture is different and they have adapted to society, which they call civilization.

Thus they become industrious and greed for economy, etc.

Getting back to the Native Indian lifestyle or cultural value,

9. The graphed maps would also show where the medical herbs can be found and where they used to be found.
10. The area of canoe making, using the barks of the trees.
11. There were all kinds of medical herbs and plants for different minor sicknesses - pain killers, iodine, and many different plants for everyday use such as wild tea or native tea, and other different kinds of liquid, internal medication, and the rest.

This additional statement regarding Migrating Birds would back up the recommendation regarding Migratory Birds Convention Act of WBCAB.

It states that we the Winisk Band support the NIB to press the issue of this Act for revisions and amendments.

Unfortunately, at this time there are no suggestions available from this Band, until the said research is completed. This work could be done by the Winisk Band or the Treaty #9 organization staff, or any other group who is interested.

The research work could be in the form of questionnaires, and an example is attached.

This data could be included in the presentation.

We are aware of the research that Treaty #9 organization is doing, and it is not our intention to duplicate this information. Our main concern here is to emphasize the Indian's point of view in regard to the value of the land.

Since this research was not included as part of this project, it was decided to make a recommendation for presentation to the Winisk Band Council.

The other topic discussed was the Federal Government's responsibility for Indians under the BNA Act, and in particular, the Constitutional status. Our concern is that the DIA's responsibility is constantly diminishing, up to recently in education and health and welfare.

This was the end of this workshop.



Research Suggestion

The attached material is an outline of what was suggested at the fifth workshop, of March 8, 1979, by Mr. John Micheal Hunter Sr., regarding the Migratory Birds Convention Act, 1876.

Thus it is this group's advice that the Band Council do the following:

(Sample)

1. A brief to the Federal Government of our position regarding the Migratory Birds Convention Act, 1917.
  - a) We would fully support this action, were it to be taken, if changes were made and amended;
  - b) which would enable us (Indians) to retain our aboriginal rights guaranteed by BNA Act, 1876.

Here, wording of the section could be worked out by the legislators, as per changes.

2. The following questionnaire would be for additional information as the results found and documented would support the demands or requested changes in favor of the Native people who presently depend on the Migratory Birds for food.

(Sample Questionnaire)

- a) How many Indian people hunt for food of migratory birds?

Community of Winisk:	100% (all of them)
	50%
	25%
	10%
	?
Attawapiskat:	100% (all of them)
	50%
	25%
	10%
	?

...

- b) How many hunt birds of these kinds?
  - Geese.....
  - Duck.....
  - Others....

- c) About how many birds are taken each year by each Indian Band?

Winisk: Geese \_\_\_\_\_  
Duck \_\_\_\_\_  
Other \_\_\_\_\_

Attawapiskat: Geese \_\_\_\_\_  
Duck \_\_\_\_\_  
Other \_\_\_\_\_

Fort Albany: Geese \_\_\_\_\_  
Duck \_\_\_\_\_  
Other \_\_\_\_\_

...

- d) How important are these birds to your (Band) people for food?

Very Important \_\_\_\_\_

Important \_\_\_\_\_

Not so Important \_\_\_\_\_

(List kinds of birds)

- e) Is the law against shooting migratory birds out of season enforced on our people of Hudson's and James Bay?

1. Does Game Warden check regularly?

2. Does the Game Warden turn a blind eye to the Indian hunting?

- f) How many prosecutions have there been for hunting game birds out of season on our people (Indians)?

1) Give examples of fines or penalties:

.....  
.....  
.....

(This sample may be arranged in the proper research format)





## WORKSHOP #6

March 11, 1979  
Winisk, Ontario

The topics for discussion today, were a summing up of what we have studied in the last five workshops.

We studied then read issues done by the Treaty #9 lawyer, such as Health, Social Assistance, Education and other government services for which the government is starting to ask the Indian to pay.

It is felt in this community that the Indian people should not be asked to pay for these services, as it goes against the terms of the treaty, and the promises which were made by the governments at the signing of the treaties.

The government's cutbacks include medical services, such as hospitalization, transportation for patients, etc.; and education cutbacks which were felt here this year.

We understand that the Department of National Health and Welfare has stated that these cutbacks will come into effect in June of 1979. Today we heard the rumour that one of our band members recently returned home from the hospital and later received a hospital bill. This shouldn't come into practice till June 1979.

The District office of the DIA has informed us that the education cutbacks will also come into effect in our area.

We the committee are aware of these developments; therefore with this in mind, we make the following suggestion.

The only way this matter could be checked is by taking it to the Government immediately and possibly utilize the collective action of the Treaty Nine people as a whole to demonstrate our protest to this latest development.

It was also suggested in this workshop that the committee or the band do research or record the date since this band has received any government assistance and the amounts.

An example is health services. When did they start, when was the first time a band member was taken to the hospital for treatment. According to our sources of information, the first time a person was ever taken to a hospital from here by an airplane was in 1939, but the patient never survived.

Family Allowance - 1952

Welfare and Social Assistance - N/A

Old Age Pension - 1952 wk 1974

Disability Assistance

Health Services - Nursing Station - N/A  
Dispensary - 1945

Education - school - 1977

Employment Service - 1975

These are some of the government services, for which the band has barely received the minimum, as of now, 1979. Therefore, it has been approximately 34 years since the band started to receive any government assistance.

It seems most of us who live here, are in the 49 to 65 age bracket, and we will never see the promises made to us by the treaty. Since the signing of the treaty in 1930, those who were living or were 20 to 30 years old, will never receive anything from the government.

With this in mind, this group feels strongly that it is time to speak to the government and demand that they at least fulfill some of the promises made to us, by re-negotiating the terms and conditions of the treaty.

Therefore, it was suggested that the document should show when and how much money or government assistance the Winisk band has received to date, and the same should be done for other isolated communities. This should cover the period since the signing of the treaty in 1929-30.

The dates shown above are the times these assistance programs were established, but the year that they were delivered to the Winisk community would be as recently as 1974. This means that that is the year they were delivered continuously.

The point we are trying to make here is we want to establish exactly when the government started delivering the services they had promised at the signing of the treaty in 1929-30.

The question is, how long will it take for the government to share with us the resources extracted from our hunting grounds?

End of workshop #6.

March 14, 1979  
Winisk, Ontario

There were only two members present at this workshop.

So far, we have held six workshops. Most of these workshops consisted of reading material and studying textbooks, etc. The first workshop was an introduction to the project, explaining to the group why the project was formed and by whom, and who the members of the project were, and why this group only. Then the explanation of the subject matters, and the reason for studying these and only these. The discussion of the main purpose of the workshop. What was expected of the group involved, their functions.

In this workshop, we discussed what we have studied up to date. We are beginning to realize what we are into. The whole thing seems to paint a very grim picture for native people for the near future. We now understand the real purpose of the R.C.N.E. We also understand many other things about the government's intentions and its plans for Northern Ontario, 'north of the 50th'.

After reading some of the material obtained from the M.N.R., such as their strategic planning, we see that according to the Ontario Government, all of Ontario is its responsibility under the Crown. This means that the Ontario Government has the title to the land known as Ontario north of 50, according to the whiteman's point of view.

The Ontario Government does not realize the Indian land title, which most of the Cree and Ojibway people believe, such as being appointed custodians of North America by the Great Spirit...and that they have an aboriginal right to the land...and that the colonial government had recognized these rights at first...and we believed the treaties made were only peace treaties and not treaties to surrender the land title, and the white man saw it. According to the Indian's philosophy, no man or men can buy land by any means. That is to say no man should think he owns the land.

The Indian's spiritual point of view is that the land is there to live on, and with, and for it and only the Great Spirit owns the land and the universe. Thus the Indian looks at himself as the custodian of the land, known by the European as North America.

This is the reason the Indians do not recognize treaties as surrenders of their lands, but they did recognize it as a treaty of peace, so that there should be no debate or war between tribes or other nations because of land titles. This philosophy does not comply with the European philosophy and this difference in points of view was not recognized at the beginning of european contact with the North American Natives, even as recently as 1930; at least not in Northern Ontario.



We the committee known as the Winisk Band Council Advisory Board have studied this matter, by doing research.

"Research", according to the Webster Dictionary - "studying the subject matter systematically".

Therefore, the first question we ask is, why did the Ontario Government set up or establish this commission, known as R.C.N.E.?

What was the purpose of the R.C.N.E.?

The answer to this was found by going through the commission's terms of reference and the first informal hearings held by Justice Hartt; reading the presentations by different groups in the area involved.

The main concern, it seems, is the development of Northern Ontario.

The question is not, should there be developments in Northern Ontario. Rather, the Ontario Government asks, what is the best way to develop Northern Ontario.

We are aware of this, and we know that the Ontario Government does not intend to include treaties in with this question. But this committee does wish to ask these questions and many others that are related and which may be disagreeable to the Indians of the area. Such as, the natives of the area possibly losing their aboriginal rights, never seeing anything of the promises made to them during the treaty signing, etc.

Possibly, natives would consider a trade-off, instead of broken promises or undelivered promises. This would be the last resort. Before this happens, a last effort should be made collectively for re-negotiation of treaties. Then the question of development can be tackled with meaningful participation by Indians, to the satisfaction of everyone.

These are the things discussed at this workshop. Once again I would like to stress the fact that this committee's main concern is to come up with a good recommendation which would be useful to the RCNE's formal hearings.

The last topic discussed was, if everything else fails, the possibility of a "trade-off". This committee interpreted this to mean, what could be sacrificed satisfactorily by the majority of Ontarians in order that the developments take place so that everybody would benefit (Indians included).

With this question in mind, Indian people tend to think of their culture and the treaties, promises made to them by the government and finally, the land which they consider their land.

The members of the W.B.C.A.B. suggested that the governments should be approached with these alternatives on behalf of Indians, that before developments actually take place, that:

1. That the young Indian men and women should be provided with a good education in order for them to acquire the necessary skills required for them to become wage earners, once the developments are underway.
2. That the Native people between the ages of 25 and 35 be provided with apprenticeship training for participation in the work force for the duration of, and after the developments.

These should be all or part of the recommendations.

Therefore, the responsibility for the training and other necessary education for the young people, would be the Department of Indian Affairs'.

End of Discussion.





At this workshop we discussed the history of the land and the tribal battle grounds; also the reasons for these battles in the Indian's version. This covered the coastal area known as Hudson's and James Bays. Before the whiteman came, this land was known as the land of the Crees or Cree tribes.

The tribal wars, as they are called today, were more like skirmishes between tribes. They were more of a spiritual nature. They were not for possession of that land. There is no word in the English language to describe these wars. The nearest term would be spiritual wars. These incidents were for native spiritual purposes.

Some tribes believe that in order to extend their human life, they had to kill another human being, so they could stay longer on earth.

For that reason, there were massacres. It would be inhuman in today's society, and it was terrible to those who it came upon. But to those tribes who practiced that law, <sup>law, CM</sup> it was their religion.

Therefore, the Crees of the area were quite often the victims. Here again, the Natives of the area have a sentimental value to the places where these things occurred.

These also have spiritual value for us because our distant relatives happened to be there. Therefore, the area became known as a memorial ground.

There are also other areas that should be remembered as the place of revenge of the Crees, and the place has special names.

During this discussion, we tried to recall why our religion had to be expressed in such a terrible and horrible way. Part of the reason is explained as follows: the attacking party would carry their captives to their own part of the land for future sacrificial reasons.

Once the attacking party had reached home ground, the captives would be fed the best food the tribe could offer and they were closely guarded by a member of the tribe for safekeeping for the future. They would eventually be killed and cooked so that everybody would take at least one piece of cooked human flesh or a small portion of soup.

This fact can be found in the story of the explorer for the Hudson's Bay Company, Mr. Samuel Hearne. There was a similarity here.

Why all this?

The purpose of this is to point out that before the whiteman the Indians never had any wars for land ownership. At least not in the history of the Crees.

The other point for this discussion is that the research should show, on the maps of the area concerned with developments, the native value of the land, its historical sites, memorial grounds, with the spiritual value to the Native people.

Another reason the Indians moved around in different seasons is mainly to get away from the intense flies during the summer; they would move to the open ground of the Bay. It also made it easier to spot enemy tribes who might attack for purposes described previously. The land therefore had every purpose for the Indians of the past.

Presently, the Ontario Government has set aside an area for a provincial park for the animals, which is called, "Polar Bear Provincial Park". For provincial polar bears only? We, the Indians, have a small area to preserve the natives, known as Indian reserves. Was it for the purpose of preservation? In the Constitution of the BNA Act, it meant for protection against the invaders of one's homestead.

The fact is, animals move and the natives move with them because they are a source of food. Now, because of the restrictions imposed by these acts, the natives will soon be trespassing on their own lands. It will be even sooner once the developments take place.

We, the committee, can see the conflicting situation of today, in regard to future implications concerning Indians of the area.

Should we consider only today's problems or search for the roots of these problems. We know the government is getting sick and tired of the Indian problems of today and even way back before the White Paper of 1969.

We know the Trudeau Government wishes to bring the constitution home. This would give the government authority to wipe out some of its constitutions. This may be worse for the Indians especially the sections dealing with Indians and Indian lands. Therefore, the next step to solving the Indian problem would be very easy all around.

This is the last chance for the Indian people to make a move before that occurs.

The end of the discussions.

Topics to be discussed at the next workshop:

Indian law - migratory birds  
- conservation  
- fishing rules  
- fire prevention  
- others (if possible)

The workshop closed.





At the last meeting, it was decided that the topic of this workshop would be Indian laws.

We were fortunate to have one of the elders here with us, Mr. Micheal Patrick. After we had explained the purpose of our group and the idea of this project, we started off by discussing the Indian laws before the white man. We worked at them by putting them in order and listed as many as we could and explained their regulations, who enforced them, how they were executed, and by whom.

1. How was the offender convicted?
2. What were the trial procedures?
3. How were the courts held?

These were explained briefly, but the rules and regulations of the laws were the main concern. This was to prove the point that Indians did have rules to follow according to the land.

Indian laws covered the following:

Rules and regulations for:

- migratory birds
- Big Game Birds
- Fur Bearing Animals
- Fish
- others

First of all, the law stated that nobody should take any wild animal or wild fowl into captivity, for the purposes of betting, as this would be cruelty to animals and fowls. This law applied for everybody.

Penalties for these took different forms. A member could be exiled from the Band or tribe, and family support denied. He could also be expelled and cursed by the elders or wise men of the tribe. There were also other suitable punishments according to the degree of the offence.

Following is a general list of the rules and regulations.

#### Migratory Birds

- It is an offence to over-kill the birds, resulting in wastage of food.

Rules: Nobody should disturb the migratory birds in their feeding grounds, where the bands are hunting geese for the purpose of storing the winter or summer food supply.

Hunt only on down wind, i.e. spring and autumn.

The same applied to the birds' sleeping areas. There was no disturbing the geese after sunset and before sunrise in that area.

Nobody should disturb their nesting area and molting grounds needlessly. The young birds should be released, if possible.

Regulations: Every effort should be made to preserve the birds killed for food so as not to have any wastage.

The same would apply to any other kind of bird, regardless of their kind and size.

#### Big Game Animals, such as Caribou or Moose

Rules: No person should over-kill these animals so as to result in wastage of food.

No person should take advantage of the deep snow to slaughter the caribou, and waste food.

Every piece of an animal should be used (caribou or moose) for food, clothing, hides, or any other use.

There was also a rule on how to hunt these animals.

#### Fur Bearing Animals

Regulations: No person shall trap or kill these animals while their fur is changing unless it is for the purpose of supplying food.

No person should leave their traps set when the food is not needed or not necessary, as when the animals' fur is changing.

All the excessive flesh of the animal should be burned if it cannot be preserved.

No person shall kill an animal for sport, fun or recreation.



### Fish

Rules: No person shall leave fish traps unattended when not in use.

Fish traps shall be opened when the owner leaves the area or camp.

### Beaver Dams

- Any person who happens to see the schools of fish blocked or trapped by beaver dams in the spring shall break the dam or open it to allow the fish to go through.

Every person shall practice these rules for the purpose of conservation and preservation, of wild game, birds and fish. These are only a few of the Indian laws that were honoured by the natives a long time before the europeans came to North America.

These rules were introduced to young people as soon as they were able to understand their language and start to absorb them at a very early age.

Therefore they knew them and practiced conservation all their life. It was part of their education.

The end of this discussion.



This is the last group discussion, as the project expires as of this date. The procedure at this workshop is to discuss - the sequence of recommendations and how they should be worded.

The research was also considered. If this research were to be done strictly around the Winisk area, there is no person available with the expertise or skills to do such work. This idea was therefore dropped, as the group was informed that Treaty #9 organization was doing similar research. It was then decided that we should recommend that the Treaty #9 research should include other things rather than just hunting and trapping. (we are referring to the Land Use project of Treaty #9).

Some of the members insisted that our community should do its own research, at least in one special area such as the subject of spiritual values. This would take in the special areas of land which are of spiritual value to the local natives, historical sites, the Indian legal system, their religious activities, memorial areas, monumental sites, where dramatical events took place, recreational sites of the past, resort areas, and special hunting areas for various game.

Other things which should be included are historical or ancient trails, canoe routes, portages, special winter route from one place to another, and many other things that were valued in the past and present. We would also like to see documented the land marks of the old legends and stories and strange phenomena which took place in the past.

Many of these things would be considered worthless to the whiteman and even to the young Native people of the area; but to the older generation, the areas mentioned above are sacred grounds. The point we are trying to make here is that any given place in this area has some value to the Natives living here.

Following is a final summary of the topics discussed in the ninth and tenth workshops. These topics were considered for recommendations.

1. Royal Proclamation of 1763.  
To aboriginal rights unsundered
2. Treaties from 1798 to 1905-06, the promises that were made, etc.



3. BNA Act, 1867  
Federal Government Responsibilities
4. Migratory Birds Convention Act, 1917  
The curtailment of aboriginal rights
5. Adhesion treaties - 1929-30  
Agreement for provision by Federal Indian Affairs to  
Indian education; approach to re-negotiation
6. White paper of 1969  
Revisions to Indian Act
7. R.C.N.E., 1971, 1975, 1978 up to 1979  
Participation - what form of participation can Indians take

List of topics to be considered for recommendation:

Native Point of View

1. A research for graphed map
2. Indian laws of the land
3. Research on Migratory Birds  
- approach to amendments  
with the research documented
4. Alternative agreement for Development of Northern  
Ontario, north of the 50th
5. Treaty Nine organization's Nishnawbe-Aski Declaration  
and its principles
6. Indian Commission
  - a) Utilization of the tripartite mechanism for re-negotiating  
of treaties in Treaty #9 area
  - b) Using Nishnawbe-Aski principles
7. Presentation for R.C.N.E.

## RECOMMENDATIONS

The recommendations presented to the Winisk Band Council from its Winisk Band Council Advisory Board.

1. We the Winisk Band Council Advisory Board recommend that before the Winisk Band can participate in the present Royal Commission on the Northern Environment formal hearings, they should take these steps:
  - a) BNA Act 1867:  
The Winisk Band should support the National Indian Brotherhood in its intentions to ask the British Government to keep the Canadian Constitutions at their originality until the Indians of Canada have well prepared themselves for the consequences.
  - b) Not until the Native's aboriginal rights have been promised safeguarding, and until the Natives are ready or no longer benefit from these.
  - c) Not until the Canadian Government has agreed to consult the Indian people before the Section 24 of the BNA Act is changed and amended.
  - d) Finally, not to be wiped out or taken off the list, etc.
2. The Winisk Band should persuade the National Indian Brotherhood that the Migratory Birds Convention Act of 1917 be re-negotiated with the participation of the Canadian Indian Nation, represented by the National Indian Brotherhood, with other national delegates of the Convention involved.
  - a) This convention should take place after dealing with the BNA Act as intended, in 1979; and prior to this, that the research work be done on migratory birds being used for food by the Indian people of Canada.
  - b) The research should be funded by the Government, particularly for the purpose of showing how much the Native people depend on migratory birds, what sections of land, etc. These facts to be documented.
  - c) The negotiations can then be organized, and demands should be made for Native people so that the Act would exclude the Indian, in its regulation by referring to the Royal Proclamation of 1763...aboriginal rights unsundered.

3. That the Winisk Band Council should take an active part in the approaches to re-negotiations of the treaties, across Canada - regionally, locally, for the purposes of maintaining the demands of promises made to the Indian people during the signing of the treaty in terms of:
  - a) provision of Indian education;
  - b) Health services, etc., which are now diminishing, or may even cease altogether.
  - c) The treaty #9 or any treaties that were signed are not fair due to the lack of good communication in language and culture; so that these treaties are to be called peace treaties only, but not surrenders of the land.
4. That the Winisk Band Council should approach the District Chiefs of Eastern Treaty Nine for participation in the re-negotiation. Then a collective approach should be taken by all Chiefs of Treaty Nine, utilizing its organization, executive, and District Chiefs included, to arrange this negotiation by utilizing the Indian Commission which was set up for this purpose.

The negotiations can then start. An agreement may not be easily reached, but this would be a beginning.

- a) Here, the principles of Nishnawbe-Aski can be tested and applied.
- b) The former, or first treaties, can then be called peace treaties.
- c) The new treaty would include land ownership and the land question.

Only in this way, can the Indians of Northern Ontario actively participate in the present R.C.N.E. If this can be done, then some achievement has been made.

- d) The local government agreement can then be satisfactorily applied.
- e) The Indian Act will also be easily revised, with the participation of the Treaty #9 people and their elected Chiefs.



- f) The Winisk Band Council make an effort to persuade all Treaty #9 area Chiefs to act upon this matter, by sending a copy of a B.C.R. for this objective.
5. As for the Royal Commission on Northern Environment, 1979, the W.B.C.A.B. recommends that:
- a) The Winisk Band Council should be more aware of the problems which the band will be faced with in the future because of the major developments proposed in Northern Ontario, by studying the past experiences with developments in the country, region and observe their impact on the Native people.
  - b) The Chief should call a general meeting especially to deal with this matter, before the Commissioner visits our community, to prepare the people on how to present their positions at the upcoming formal hearings during the next two years. This could be done by using some of the ideas and recommendations in this paper.
  - c) Let it be assured that the W.B.C.A.B. will do everything in its power to assist the Council in the future, with advice on any issues that may arise.
  - d) We recommend that our Council take the Royal Commission on Northern Environment hearings very seriously.
  - e) That the Winisk Band Council, through its Chief, should consider the "alternative scenario for the future of the north".
  - f) That the Council should consider continuous education for its young men and women in order for them to benefit the future developments.
  - g) That the Winisk Band Council participate seriously on collective approaches with the rest of the Indian leaders who make an honest effort to speak for their bands, on political issues that affect our people today and in the future.
6. Furthermore, the Winisk Band Council is advised to attend to the matter of Band and Reserve status for the community.

- a) It is noted to the Band Council that the Polar Bear Provincial Park establishment will make the surrounding area of the community classified as occupied and or organized area once the Park is officially passed by legislature. Therefore this question should be settled before the Band obtains reserve status. This question should be posed to the Ontario Ministry of Natural Resources. As they are appointed as custodians of the land.

7. Polar Bear Provincial Park:

Winisk Band Council should find out how the Winisk Band will stand regarding this issue and whether it has been settled. They must find out what guarantee there is that the band will not be affected by its regulations. And whether the band should insist on a written agreement.

Prepared by: Louis Bird  
W.B.C.A.B.

